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Die Maxime Laissez faire et laissez passer, ihr Ursprung, ihr Werden. Ein Beitrag zur Geschichte der Freihandelslehre. Von Dr. AUGUST ONCKEN. Bern, Wyss, 1886.—8vo, 131 pp.

No one phrase in the literature of political economy has been more lauded by its admirers, more decried by its opponents, than the one which forms the subject of this essay. And yet for the current explanation of its origin and history we have had hitherto to depend on the uncritical and inexact accounts given principally by Dupont de Nemours in his editions of the *Physiocrats*. Professor Oncken has expended an immense, perhaps even an unnecessarily great, amount of research to probe the matter to the bottom, and now for the first time succeeds in giving a fairly complete and satisfactory history of the great shibboleth.

The phrase itself is currently ascribed to Gournay, although Turgot tells us it was first used by a merchant in a conversation with Louis XIV. Professor Oncken justly remarks that the maxim is really composed of two separate parts, *laissez faire* or liberty of production, and *laissez passer* or liberty of exchange. The first half of the formula, at least in the form *laissez nous faire*, was probably first employed in 1680 by Legendre, known to all American students as the author of a work on geometry, in the course of a controversy with Colbert. But all Dr. Oncken's researches have failed to throw any clearer light on this reputed conversation. More successful however is the effort to show the first appearance of the phrase in scientific literature. It is due beyond all doubt to Marquis d'Argenson, minister of finance under Philip of Orleans, and minister of foreign affairs under Louis XV. Oncken shows very well—although the proof was not necessary for those who have emancipated themselves from the current traditions of French and English histories—that the phrase *laissez faire* as used by Boisguillebert and Vauban at the very beginning of the eighteenth century does not at all mean free trade in the modern sense. He might have added that "free trade" in the writings of all the English economists with scarcely any exception down to the middle of the eighteenth century meant only freedom of export. Child, Petty, North, Locke, etc., were free-traders of a quite different kind from the Manchester school. Oncken however confines himself to the French, and shows that d'Argenson first used and expounded the phrase in his memoirs in 1736, and again in 1751 in a series of articles in the *Journal Économique*. D'Argenson was not a Physiocrat, and hence to ascribe the phrase to the Physiocrats is a mistake. D'Argenson was likewise the author of the celebrated saying: *pour mieux gouverner, il faudrait gouverner moins*.

So much for the first and more important half of the maxim. The

latter half, completing it by the words *laissez passer*, was indeed due to the Physiocrats, although the nearest approach to it in any of the scientific works is "*le monde va de lui même*" used by the Marquis de Mirabeau in his *Philosophie rurale* in 1763. Mirabeau himself afterwards tells us, in the *Ephémérides du citoyen* of 1767, that the intendant Gournay used the full formula *laissez faire et laissez passer* during a conversation. Oncken can find nothing to cast discredit on this assertion. This half of the traditional report, although often obscured and misrepresented, can therefore stand.

It may seem a waste of energy to devote so much careful research and above a hundred pages to the discussion of such a subject. But science can only have thanks for a student who is willing to expend his energy in a scholarly manner and finally put to rest a much controverted point. Dr. Oncken has accomplished this and his essay deserves to be read.

E. R. A. S.

Allgemeines Verwaltungsrecht. Von Dr. O. VON SARWEY, Staatsminister in Stuttgart. Freiburg in Baden, 1887. — Lex. 8vo, iv, 177 pp.

The work before us belongs to that admirable series of treatises upon public law, already noticed in this Review, Marquardsen's *Handbuch des Oeffentlichen Rechts*. Under the title "General Administrative Law," Dr. Sarwey has given us, in reality, a (very general) treatise upon comparative administrative law. It lies in the nature of the subject that a book on general administrative law can be nothing more than a comparison of the different rules of law which we find in force in the different modern states. If an author attempts anything more his work becomes a treatise on administrative science, devoted more to what ought to be than what is. Dr. Sarwey frankly accepts these limitations, and expressly says that his book is comparative rather than critical or speculative; but, in addition to the mere comparison of different systems of law, he attempts to lay down a system for the treatment of administrative law in general. We must therefore criticise the book as a book on comparative administrative law and as an attempt to offer to the student of administration a system which he may follow in his study of administrative questions.

The book, like all works in administration, starts out with the endeavor to separate what is known as administration from the other functions of government, *viz.* legislation and judicial decision. Dr. Sarwey's treatment of these extremely difficult and intricate questions is interesting and able, but it does not seem to me that he has been more successful than